

REMARKS:

Claims 2 through 5 and 8 through 22 have been cancelled. Additional claims 23 through 33 have been added. Thus the total number of claims has been reduced. In addition there are three independent claims which are claims 1, 29 and 33 and the remaining claims are dependant claims. Thus no additional claims fees are required.

Claim 1 has been amended to show the features added using the underline technique so that the examiner can see the features which have been added to this claim to distinguish it from the prior art. Claims 29 and 33 include many of the features now added to claim 1 but are distinguished from the prior art by different features as explained hereinafter.

For a better understanding of the definition in the claim, the wall 16 (Figure 1) which was previously defined as a "second side wall" is now referred to as the "bottom wall" and symmetrically the wall 15 is now referred to as the "top wall". It is believed that the previous use of the term "side" was confusing since the claim also referred to a planar side surface. A minor correction has been made in the description to introduce the term "top wall" and "bottom wall". This amendment has been made for clarity and it is submitted that it in no way adds additional subject matter.

The prior art of Marontate discloses a bracket which is in many respects very similar to that of the present invention. However there are a number of important distinguishing features as explained in more detail hereinafter.

In order to more clearly define the basic structure, the independent claims 1, 29 and 33 have been amended to refer to the top wall 15, the bottom wall 16, the first end wall 17 and the second wall 18. Also the claim has been amended to refer to the receptacle 29. In this respect the construction is identical to that of Marontate and these features have been added for context.

The first important feature of distinction between the present invention and that of Marontate, which is set forth in the last two paragraphs of claim 1 is that the bottom wall 16

of the present invention is clearly different in shape from the bottom wall 28 of Marontate. Thus the bottom wall 16 (expressed in simple terms) includes the first portion which is inclined so that it converges toward the top wall 15, and includes the second portion at the end wall 18 which is spaced away from the top wall 15 so as to define the concave section 26 between these two portions.

Thus the key feature of claim 1 relates to the concave portion 26 which is simply not present in the bottom wall of Marontate which is simply flat.

Similarly the bottom wall of Perlant is also flat.

This construction of the bottom wall in conjunction with the fastening holes defined in the context section of the claim provides a bracket which can be used in a number of different ways. In particular the bracket can be inverted so that the concave section between the receptacle 29 and the inclined section of the wall 16 provides a hanging receptacle for items such as the cross bar of a bicycle.

This arrangement is simply not shown in the prior art cited by the examiner and therefore clearly distinguishes the invention from the prior art.

Turning now to claim 29, this is directed to a further significant difference between the arrangement of the present invention and that of Marontate. Again the feature concerned is defined in the last two paragraphs of claim 29 and in simple terms this feature is directed to the second set of holes which are the holes at the locations 33 and 34. This second set of holes is spaced from the end wall 17 but spaced by a distance less than 4 inches. In this way the bracket can be used in a way in which the mounting section defined by the holes at the locations 30, 31, 33 and 34 is fastened to the side face of a stud. In this way the bracket is recessed against the outside sheathing of the wall to provide an increased strength of the bracket. This arrangement therefore provides an operation and construction of the device which is not contemplated in Marontate.

Claim 30 is yet further distinguished from the construction of Marontate in that the holes at the locations 33 and 34 are stated to be arranged at the junction between the stiffening wall 19 and the top and bottom walls. This is simply not shown in the arrangement of Marontate.

Turning now to claim 33, this is directed (in simple terms) to the construction of the end wall 18 which is located outwardly of the receptacle 29 and is connected to the top wall 15 and bottom wall 16. Thus the receptacle 29 is located inwardly of the end wall 18 that is closer to the end wall 17. In Marontate it is clear that the receptacle 34 is located outwardly of the end wall 36.

This arrangement provides an improved strength and provides an end wall 18 which extends at right angles to the top wall 15 and parallel to the end wall 17 and thus the end wall 18 becomes available to provide a surface which can be used in different operations of the bracket.

In general the bracket of the present invention can be used in many different ways and many different orientations for supporting various different products. This is simply not contemplated in the arrangement of Marontate. The three features set forth above are independently different from the prior art and each provides an arrangement which allows the bracket to be used in different ways than the simple orientation of the shelf and rod construction of Marontate.

The examiner will note that additional dependant claims have been added corresponding to claims 29 and 33 which have been made to depend from claim 1. These dependant claims therefore provide combinations of two or three of the three independent items so that these dependant claims are yet further distinguished from the prior art.

In addition the examiner will note that claim 26 has been added to the combination of a wall structure together with the bracket of claim 1. In this arrangement it is set forth that the bracket is arranged with the outer surface of the first end wall fastened to the

side face of one of the studs on the side of the bracket parallel to the sheathing. This arrangement allows the bracket to be recessed within the wall between the studs. This arrangement is simply not contemplated in Marontate nor in any of the other prior art documents cited herein.

Even if the Examiner is of a mind therefore to reject independent claim 1, claim 26 provides an additional combination simply not disclosed in any of the prior art documents. It is submitted therefore that claim 26 is independently patentable and yet further distinguishing the prior art cited by the examiner.

Claims 27 and 31 are directed to the combination of the wall structure with the bracket. In these claims the combination includes the two sets of holes defined at the locations 30, 31, 33 and 34. Thus these claims are directed to the combination of the bracket when assembled on a wall structure using the two sets of holes as defined in a manner which is simply not contemplated in the Marontate construction. Thus the two sets of holes are used to mount the bracket to the side face of the stud of the wall construction.

Even if the examiner is therefore of a mind to reject the claims to the bracket itself, these claims are directed to the combination of the bracket in association with the wall construction in a manner which is simply not contemplated in the construction of Marontate.

It is submitted therefore that each of the claims now presented herein is clearly distinguished from the prior art by one or more of the three features set forth above so that all of the claims are properly distinguished from the prior art and should therefore be allowed.

Respectfully submitted

JEAN PIERRE PERRON

PER:

Adrian D. Battison
Registration 31,726

ADB/dj
Adrian D. Battison

Winnipeg, Manitoba, Canada
Telephone (204) 947-1429 - FAX (204) 942-5723

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DORIS JONES


